

SGA

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD**

**APPEAL FROM ORDER NO. 70 OF 2022  
WITH  
CIVIL APPLICATION NO. 16392 OF 2022**

Dattu Sahadu Gadade

... Applicant

Versus

Manik Shripati Gite  
and another.

... Respondents

...

Mr. A.B. Gatne– Advocate for applicant.

Mr. N.C. Garud – Advocate for respondent no.2.

...

**CORAM : GAURI GODSE, J.**

**DATE : 30<sup>th</sup> January, 2023**

**PER COURT :**

**Appeal From Order No.70 of 2022 :**

Heard.

2. Admit. Learned counsel appearing for respondent no.2 waives service.

**Civil Application No.16392 of 2022 :**

This application is for interim relief of injunction.

2. The relief prayed in the present application is the same relief which is prayed in the substantive suit for simplicitor injunction. Suit

for injunction is dismissed. The substantive appeal filed by the present appellant is pending in the District Court. Granting of any order of temporary injunction, at this stage would amount to granting final relief in the said suit. Since the dismissal of the suit on 17<sup>th</sup> January, 2020, there is no interim relief in favour of the appellant. Under such circumstances, there cannot be interim relief passed at this stage.

3. With respect of entry in the consolidation scheme, writ petition filed by the present appellant is pending in this Court. After the decision in the writ petition with respect to entry in the consolidation scheme is decided and any order is passed in the said writ petition in favour of appellant, the appellant will be at liberty to press for interim relief, by filing fresh application.

4. Civil Application is dismissed.

**[ GAURI GODSE ]**  
**JUDGE**